IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 27324 of 2007(C)

PETITIONER:
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1. **PANKAJ GUPTHA, S/O.LTE J.P.GUPTHA, AGED 34 YEARS, PROPRIETOR, M/S.BALAJI INDUSTRIES, 41/3180, VALLANAT BUILDING, BANERJI ROAD, ERNAKULAM, KOCHI-682018.**

2. **SUDHA GUPTA, W/O.J.P.GUPTHA, AGED 54 YEARS, PROPRIETRIX, M/S.J.P.INDUSTRIES, C/OVISHAL ENTERPRISES, 41/3180, VALLANAT BUILDING, BANERJI ROAD, ERNAKULAM, KOCHI-682018, RESIDING AT 37/2382-D, PONOTH ROAD, KALOOR, KOCHI 682017.**

BY ADV. SRI.B.N.SHIVSANKAR
SRI.T.R.S.KUMAR
SRI.G.SURESH KUMAR (EKM)

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, ERNAKULAM.**

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27324 OF 2007
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Dated this the 27th day of September, 2007

J U D G M E N T

Exhibits P1 and P2 are the two orders issued by the 2nd respondent allotting two plots of land to the petitioners on 5/10/04 and 15/9/04 respectively. Subsequently in lieu of the plot alloted by Ext.P2, yet another plot of 13 cents was allotted by Ext.P6.

2. It is the admitted position that in terms of the orders of allotment, initial deposit of 20% of the value was not remitted by the petitioners. Petitioners also have not entered into any agreement with the respondents, which is also a condition of allotment. Learned Government Pleader also points out that in view of the lapse committed by the petitioners notices were issued to them requiring them to comply with the terms of allotment and these notices also did not evoke any response from the petitioners. In the meantime, the period prescribed for the establishment and commencement of industry also had expired and that was yet another violation committed by the petitioners.

It is in these circumstances, allotment was cancelled by Exhibits P12 and P13 orders dated 17/5/07. Main complaint now raised is that orders of cancellation were issued without issuing notice to the petitioners.

3. Having heard counsel on either sides, I do not find any illegality in the cancellation of allotment for the reason that notice was not issued to the petitioners. In this case, admittedly petitioners did not comply with any of the terms of allotment either by remitting initial 20% or by entering into an agreement with the respondents. They had also not commenced production in terms of the allotment. In the light of these admitted violations, I find no justification in the petitioners contention that they should have been put on notice before cancellation was ordered by Exhibits P12 and P13. Petitioners do not have any right in the matter and in the absence of which, they cannot invalidate the proceedings for the only reason that they were not put on notice.

Writ petition is dismissed.

ANTONY DOMINIC, JUDGE.

Rp